

WHEELER FILES CONTEST SUIT ON NOMINATION

Charges Ross Was Declared
Nominated for Secretary
Of State Because of In-
correct Count of Votes

Charging errors in the counting of votes and the canvassing of votes by the boards of supervisors of all the counties in the state, Charles De Sales Wheeler, candidate for the Democratic nomination for secretary of state in the primary election held Sept. 7, yesterday filed a contest in the superior court against Harry S. Ross, the successful candidate for the office. Ross was officially certified by the secretary of state as the nominee of the Democratic party for secretary of state on the basis of the official canvass of votes by the boards of supervisors of the counties of the state.

Wheeler's complaint sets up five allegations as grounds for contest, and claims that he received the highest number of votes for the nomination. The court issued a summons to Ross allowing him ten days in which to file an answer to the suit after the service of the summons. Ross was served with the summons by the sheriff's office late yesterday afternoon.

The complaint names the counties of Navajo, Apache, Graham, Yuma and Yavapai as the counties in which the most errors were made by the boards of supervisors in canvassing the returns of the election. Wheeler charges in his complaint that the boards of these counties accredited a larger number of votes to Ross than were in fact returned to the boards by the election officers of the precincts in these counties. Had all the votes cast for each of the candidates been correctly counted, Wheeler says in his complaint, the result would have shown that he received more votes for the office than Ross, and declares that he would have been declared as the party nominee for the office.

Wheeler will be represented by F. C. Struckmeyer and C. E. Johns of Phoenix, who filed the suit for him. E. S. Clark of Prescott, candidate for the nomination for United States senator on the Republican ticket in the primary, will be associated with Mr. Struckmeyer as counsel in the case. Mr. Clark formerly was attorney general for Arizona and will look after the interests of the case in Yavapai county.

The official canvass made by the secretary of state from the returns sent to him by the boards of supervisors of each county following their canvass was said to have shown Ross received 5104 votes, Wheeler 5347, Charles A. Hayward, 274, and E. A. Carroll, 2757. All four sought the Democratic nomination for the office. The particular allegations as grounds for the contest as set up by the complaint are as follows:

1. That because of the erroneous count of votes Ross received the highest number of votes, whereas in fact Wheeler received the highest number.

2. That in many precincts of every county all votes cast for Wheeler were not counted and that he received in many precincts more votes than counted for him or certified as having been received by him.

3. That in many precincts in every county, votes cast for Wheeler were counted as though cast for Ross.

4. That in those precincts election officials counted votes as cast for Ross which were not cast for him and certified that Ross received more votes than actually were cast for him.

5. That in Navajo, Apache, Graham, Yuma and Yavapai counties many errors were committed by boards of supervisors in canvassing returns, namely, in according to Ross more votes than were returned by election officers of the various election precincts.

The complaint petitioned the court that Wheeler be declared the party nominee and further, that he be permitted to inspect the ballots for the purpose of preparing for the trial.

In connection with the filing of the contest, Wheeler issued the following signed statement last night:

"On Sept. 11, 1920, four days after our Democratic primary, the figures from official sources in my possession justifying such an action, I issued a statement through the Arizona Republican, acknowledging my nomination for secretary of state on the Democratic ticket and thanking my friends and supporters for their splendid endorsement. The sentiments I expressed therein and upon that date I still retain. The majority of my opponents conceded by nomination and the leading newspapers of the state published my name as the Democratic nominee for secretary of state.

"At the late date of Sept. 23, 1920, thirteen days after the primary election, the figures in certain counties and the final count sent in to the secretary of state's office showed that I had been counted out.

"After careful investigation, which is being continued at the present time, I have in my possession reliable information that warrants charges of gross

ASKS HUSBAND BE MADE TO GIVE UP TITLE TO PROPERTY

Asking that a court order be issued to compel her husband to convey all his right and title to some land near Mesa to her, Elizabeth Rial brought suit in the Superior court charging that her husband, S. D. Rial, induced her to have the title to the property made out as community property when in reality, she claims, it is her separate property. She says they were married at Thatcher in November, 1911, and alleges that at the time she had \$13,000, while her husband had nothing.

Mrs. Rial says she has supported her husband and his 16 year old daughter ever since that time because he has been sick and unable to work. She alleges she paid his expenses in California in 1917 for his health, and back again. In August, 1920, she alleges he went east to visit his mother and when he returned he became independent, indifferent and sulky. A few days later, she says, his attorney spoke to her about a divorce action her husband contemplated filing and said that she must agree to a division of the property. She alleges she refused to do so and that on Sept. 16 he made a chattel mortgage on her personal property for \$5,000 which the bank paid.

On Sept. 18, while she was away from home, she says he packed up his belongings and left with his daughter. He did not mention the mortgage to her she declares. In the event that he refuses to execute the conveyance within ten days, she asks that the court operate as a conveyance to the land.

OCTOBER 27 WILL BE ROOSEVELT DAY

Phoenix will pay tribute to the late Theodore Roosevelt on the occasion of his sixty-second birthday anniversary on Oct. 27. The observance here will be in the form of memorial services, similar in nature to services to be held in all of the larger cities of the country.

Appointment of a committee of leading citizens, composed equally of men and women, to direct plans for the day, will be made by Mayor Willis in the next few days. He said at the city commission meeting yesterday.

Request for the appointment of such a committee was made by the Board of directors of the Woman's Roosevelt Memorial association.

HIGHWAYS WETTER BULLEYN

Sacaton: There is no water in the Gila and the crossing is good.

Apache County
All roads in good condition.

Cochise County
All main roads in good condition and being improved.

Cocanino County
Roads generally good. Showers causing some mud over short stretches, but not delaying travel.

Graham County
County roads in fair condition.

Greenlee County
All roads in good condition, slight damage caused by the recent rains repaired.

Gila County
Salt river bridge open for traffic. New portion of Pleasant valley road in good condition, old portion difficult for travel. Roads otherwise over county in fair condition. Widening of Roosevelt to Payson road has commenced. Ferry over Roosevelt lake is discontinued.

Maricopa County
Prescott-Wickenburg road good, more Black Canyon slow from New river north. Florence, new state highway to forks at Superior. Coast, Parker and Blythe ferries both running. Tempe bridge open for light vehicles.

Mohave County
All main roads in fair condition, except Old Trestle national highway from Crozier to Hackberry, and Oatman to Topock. Drivers must be careful in crossing washes.

Navajo County
Holbrook-Gallup road rough but dry. Holbrook-Winslow best on north side of river. Fort Apache road good. New road completed from Slowlow to Indian reservation, fine.

Pinal County
All main roads in the county in good shape; balance fair. Federal road to Mt. Lemon is completed.

Yuma County
Mountain roads in good condition, valley roads dusty and rough. Florence-Casa Grande road had due to reconstruction; take desert roads between these two points.

Santa Cruz County
Several storms last week; roads are washed out in several places throughout county.

Yavapai County
Roads generally in fair condition.

Yuma County
Ehrenberg ferry open to traffic. Road in good condition.

Parker: Road via Parker and Needles in good condition.

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Day Message	DL
Day Letter	DL
Night Message	NL
Night Letter	NL

If none of these three symbols appears after the clock (number of words) this has day message. Otherwise the character is indicated by the symbol appearing after the clock.

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NEWCOMB CARLTON, PRESIDENT (GEORGE W. E. ATYNS, FIRST VICE-PRESIDENT)

CLASS OF SERVICE	SYMBOL
Day Message	DL
Day Letter	DL
Night Message	NL
Night Letter	NL

If none of these three symbols appears after the clock (number of words) this has day message. Otherwise the character is indicated by the symbol appearing after the clock.

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Here is a wonderful opportunity to stock up on the winter's supply of knitted underwear at a saving!
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